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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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PATRICK MORIN, et al.,

MEMORANDUM AND ORDER

Plaintiffs,

CV 07-1992

-against-

(Wexler, J.)

CATSKILL MOUNTAIN MECHANICAL,
LLC., et al.,

Defendants.

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APPEARANCES:

Archer, Byington, Glennon & Levine, LLP
By: John H. Byington, III
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Attorney for Plaintiffs

Maney McConville & Liccardi
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Attorneys for Defendants

WEXLER, District Judge:

Presently before the court is a Report and Recommendation ("R&R") of the assigned Magistrate Judge, William D. Wall. The R&R granted Plaintiffs' request to strike the Defendants' answer and for a default on defendants' counterclaim. The request was based upon Defendants' repeated failure to comply with court orders and to provide discovery. Magistrate Judge Wall entered the R&R recommending that this court strike Defendants' answer and

counterclaims and enter a judgment of default pursuant to Rule 37(b)(2)(c) of the Federal Rules of Civil Procedure.

The R&R is dated August 22, 2008, and was served on the parties on that date. The time to file objections having passed without receipt of such objections, the R&R is hereby adopted. The Clerk of the Court is directed to strike the answer and counterclaims of Defendants and to note their default. Once default is noted, counsel for Plaintiffs may submit an appropriate judgment to this court.

SO ORDERED


LEONARD D. WEXLER
UNITED STATES DISTRICT JUDGE

Dated: Central Islip, New York
September 15, 2008